

REMARKS

1. Informalities.

Drawings. The drawings entered in Amendment B are objected to because they contain attorney and application information and the text in Figures 1 and 2 is not clear for printing. In response, Applicant is submitting replacement Figures or replacement drawing sheets in conformance 37 C.F.R. § 1.84. In the replacement drawings, Applicant has removed the attorney and application information. Applicant has also formalized the drawings, such that they are satisfactorily complete and sufficiently clear for printing.

In addition, applicant submits that Figures 1-3 were improperly labeled. Applicant has corrected each figure or drawing to comprise its correct identifier. Specifically, originally labeled Figure 1 has been changed to read Figure 2; originally labeled Figure 2 has been changed to read Figure 1; originally labeled Figure 3 has been changed to read Figure 4; and applicant has properly labeled Figure 2, which was not labeled at all in the original drawings. As such, applicant submits that these replacement drawings now conform to the description in the Specification.

The drawings were further objected to for comprising new matter. Applicant respectfully submits that Figures 1-4, as indicated in the original Specification, were originally submitted with the application as filed. Evidence of this is provided in the transmittal documents filed with the application indicating that three drawing sheets were being submitted. In addition, applicant would like to bring to the Examiner's attention the Certificate of Mailing signed by Applicant's authorized agent averring that there are three drawing sheets that were being filed with the application. These documents show that Figures 1-4 were indeed originally submitted with the application as filed and that they do not comprise new matter. The replacement drawings

Substitute Specification. The Specification remains objected to for the several reasons. First, the Specification is objected to for the repeated recitation of "morinda citrifolia." In response, Applicant respectfully submits a substitute specification, excluding claims, to replace the one originally submitted. This substitute specification corrects the repeated recitation of "morinda citrifolia" with the accepted botanical nomenclature, namely the capitalization of the genus "Morinda."

Applicant submits that no new matter is presented in this replacement or substitute specification, and that the replacement specification conforms to and is submitted pursuant to 37 C.F.R. § 1.125.

Claim Objections. Claim 9 is objected to for being unclear. Applicant has amended claim 9 to remove the unclear typographical errors.

2. *Claim Rejections under 35 U.S.C. § 112*

Claims 9-17 stand rejected under 35 U.S.C. § 112, second paragraph ("Section 112") as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response, Applicant has amended the claims to remove the vague and indefinite wording "substantially." In addition, Applicant has amended claims 11-13 to remove the indefinite subject matter of these claims, namely the term "various."

Claims 9, 11, and 15-17 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In response, applicant has amended these claims to remove the allegedly new matter, namely the term "substantially."

Applicant submits that no new matter is introduced in the claim amendments.

Conclusion


Based on the foregoing, Applicant believes that the claims of the present invention are in condition for allowance and respectfully requests the same.

Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this application, the Examiner is invited to initiate a telephone interview with undersigned counsel.

DATED this 31 day of December, 2003.

Respectfully submitted,

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